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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON

9 NORMAN LIND and PHYLLIS LIND,
10 individually and on behalf of
all others similarly situation,

O R D E R
Civ. No. 08-6133-AA

11 Plaintiffs,

12 vs.

13 FIDELITY NATIONAL TITLE
14 INSURANCE COMPANY,

15 Defendant.

16 AIKEN, Judge:

17 Plaintiffs filed a motion pursuant to Fed. R. Civ. P.
18 41(a)(2) requesting voluntary dismissal. Plaintiffs' motion is
19 granted and this case is dismissed.

20 DISCUSSION

21 Plaintiffs moved for voluntary dismissal, with prejudice,
22 with each side to bear their own costs and fees. Defendant
23 agrees the case should be dismissed with prejudice, however,
24 maintains its right to seek sanctions. The court relies on the
25 plaintiffs' recitation of the procedural history of this case to
26 grant plaintiffs' motion to dismiss with prejudice, including the
27 requirement that each party bear its own costs and fees. See
28 Plaintiffs' Memo in Support, p. 2-6. The court notes plaintiffs'

1 willingness to formally dismiss this action as early as December
2 2, 2008. Pls' Ex. A, para. 7. The court further notes
3 plaintiffs' earlier offer to defendant on November 6, 2008, to
4 postpone depositions, review defendant's documentation, and
5 consider whether dismissal would be appropriate. Pls' Ex. A,
6 para. 5, Ex. B, para. 3.

7 CONCLUSION

8 Plaintiffs' motion for voluntary dismissal under Fed. R.
9 Civ. P. 41(a)(2) is granted, with prejudice. Each party is to
10 bear its own fees and costs. This case is dismissed and all
11 pending motions are denied as moot.

12 IT IS SO ORDERED.

13 Dated this 1st day of May 2009.

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17 /s/ Ann Aiken
18 Ann Aiken
19 United States District Judge
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